

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE

ATP OIL & GAS CORPORATION,

*Debtor.*

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CIVIL ACTION H-16-420  
BANKRUPTCY CASE 12-36187

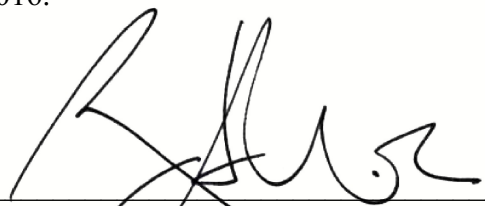
**ORDER**

Pending before the court is a motion for leave to file an interlocutory appeal from the bankruptcy court's February 4, 2016 memorandum opinion denying Diamond Offshore Company's ("Diamond") motion to dismiss. Dkt. 2. On June 29, 2016, the bankruptcy court issued a recommendation on Diamond's motion for leave to file an interlocutory appeal and an amended memorandum opinion. Dkt. 12. The amended memorandum opinion resolved the principal objection underlying this interlocutory appeal in Diamond's favor. *Id.* at 1, 7–8. The bankruptcy court found that Diamond's remaining objections did not warrant an interlocutory appeal and recommended that Diamond's motion for leave to file an interlocutory appeal be denied. *Id.* at 1, 5–6. On June 30, 2016, the court ordered the parties to file objections to the bankruptcy court's recommendation within seven days. Dkt. 13. On July 6, 2016, Diamond filed objections to the bankruptcy court's recommendation. Dkt. 14. Diamond objects that (1) the bankruptcy court purported to quote from the Asset Purchase Agreement to support its recommendation, but it actually quoted from the order approving the sale and misconstrued the Asset Purchase Agreement; and (2) the bankruptcy court's recommendation erroneously suggests that the Trustee need not recharacterize the overriding royalty interest as a debt instrument in order to recover. *Id.* at 2.

In its objections, Diamond offers no explanation for why the bankruptcy court's alleged errors warrant an interlocutory appeal. Accordingly, Diamond has not established that an interlocutory appeal is necessary at this stage of the litigation. Therefore, the court ADOPTS the bankruptcy court's recommendation that Diamond's motion for leave to file an interlocutory appeal (Dkt. 2) be DENIED. The appeal is DISMISSED.

This order terminates the appeal.

Signed at Houston, Texas on July 11, 2016.



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Gray H. Miller  
United States District Judge